



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



512098

REPLY TO THE ATTENTION OF:

SR-6J

JAN 14 2003

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Stephen Odenwald
President
Gateway Petroleum
7200 W. Main
Belleville, IL 62223

Re: Request for Information Pursuant to Section 104e of CERCLA
for Ilada Waste Company, St. Clair County, Dupo, Illinois

Dear Mr. Odenwald:

The U.S. Environmental Protection Agency (U.S. EPA or Agency) is investigating the Ilada Waste Company Site (the Site) in St. Clair County, East Carondolet, Illinois. This Site is located at Rt. 1, Box 159, East Carondolet, Illinois, 62240. The U.S. EPA believes that you may have information that is relevant to the investigation of contamination at the Site. Enclosure 1 is a summary of the history of this Site and the results of U.S. EPA's investigation.

The U.S. EPA asks that you provide information and documents relating to the contamination of the Site. Please respond completely and truthfully to this Information Request and its questions in Enclosure 2 within thirty days of your receipt of this letter. Instructions for completion of this response are in Enclosure 3; definitions of terms used in this Information Request and its questions are in Enclosure 4.

You may consider some information that we request as confidential. If you wish to assert a privilege of business confidentiality, you must respond to the question and advise U.S. EPA that you request that the Agency treat the response as confidential business information. Directions to assert a claim of business confidentiality are in Enclosure 5.

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601, et seq., (commonly referred to as CERCLA or Superfund) gives the U.S. EPA the authority to: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by a site, and 3) clean up those sites.

Under Section 104(e) (2) of CERCLA, U.S. EPA has authority to gather information and to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean up.

Enclosure six is a summary of this legal authority. Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e) (5) of CERCLA, as amended. Failure to respond and/or failure to justify the non-response can result in similar penalties under this Section. Further, Section 104(e) (5) authorizes the United States to seek penalties from a Federal Court of up to twenty-seven thousand five hundred dollars (\$27,500) for each day of continued noncompliance. The U.S. EPA considers noncompliance to be not only failure to respond to the Information Request, but also failure to respond completely and truthfully to each question in the Information Request.

The provision of false, fictitious or fraudulent statements or misrepresentations may subject you or your firm to criminal penalties of up to twenty five thousand dollars (\$25,000) or up to five (5) years imprisonment, or both, under 18 U.S.C. §1001.

The U.S. EPA has the authority to use the information requested in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44

U.S.C. §3501 et seq.

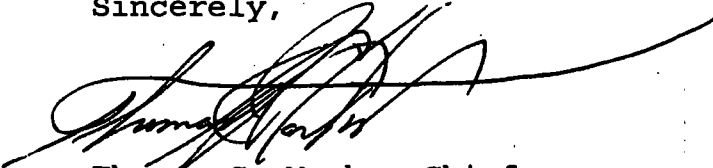
Return your response to U.S. EPA within thirty days of your receipt of this Information Request. Mail your response to:

G. Marie Watts
Enforcement Specialist
U.S. Environmental Protection Agency
Remedial Enforcement Support Section
77 W. Jackson SR-6J
Chicago, IL 60604

If you have questions of a legal matter please call Ms. Nola Hicks, Assistant Regional Council at (312) 886-7949. Address technical questions to the Remedial Project Manager, Ron Murawski, at (312) 886-2940. Address all other questions to G. Marie Watts, Enforcement Specialist at (312) 886-7591.

We appreciate your effort to respond fully and promptly to this Information Request.

Sincerely,



Thomas C. Marks, Chief
Remedial Enforcement Support Section

Enclosure:

1. Site History
2. Questions
3. Instructions
4. Definitions
5. Confidential Business Information
6. Description of Legal Authority
7. Small Business Enclosure

Enclosure 1

SITE HISTORY ELEMENTS

1. Ilada Waste Company is located in a rural area in southwestern St. Clair County, approximately one mile southwest of Dupu, Illinois on Eim Station Road. The site consists of a three acre parcel of land situated on a wooded hillside.
2. The area surrounding the site is characterized by two distinct geologic settings. The western half lies in the Mississippi River flood plain. The flood plain consists of about 100 to 200 feet of alluvial deposits. These overlook bedrock of the Lower Mississippian System, composed predominantly of limestone with interbedded layers of shale. To the east of the site the land rises to form a ridge with elevations of 100 to 200 feet above the flood plain. It is highly weathered and exhibits distinct karst characteristics. Between 30 and 70 feet of clayey loess deposits over bedrock of the Middle and Upper Mississippian Systems. This bedrock consists predominantly of limestone with interbedded layers of shale and sandstone.
3. Population in the area is predominantly rural and agricultural. Private groundwater wells are used to supply drinking water to rural residents near the Site. Most area residents are served by municipal drinking water supplies obtained from the Mississippi River.
4. Crude oil has been produced on-site since 1939. During oil production, a mixture of crude oil and brine was pumped from two on-site wells into one of a number of gunbarrel tanks. The oil and brine were separated in the gunbarrel tanks. The oil was sold locally as fuel oil; the brine was stored in one of five brine lagoons or in several storage tanks. Waste brine was disposed of into a 3,000 foot deep injection well. Waste oil was accepted on-site from approximately 1979 to 1982. Waste oil was stored on-site in above ground storage tanks. Some unprocessed waste oil was sold locally for use in road dust control; the remainder was either disposed of in the brine injection well or processed on-site, blended with crude oil and sold for fuel. The waste oil was processed in an on-site still by heating to separate water and sludge from the oil. The separated water was disposed of in the injection well; the sludge was either disposed of in the injection wells or sold for road dust control.

The potential for groundwater contamination due to past activities at this site appears to be high. Polychlorinated bi-phenyl (PCB) contamination has been observed in water from pits and soils on the site. Soils in this area have relatively low permeabilities, but their thickness is not great. The weathered condition of the soils and bedrock increases the potential for groundwater contamination.

5. The Preliminary Assessment/Site Inspection phase of the project is essentially complete. In the 1980s and 1990s, the U.S. EPA and Illinois EPA issued reports relating to the preliminary assessment and inspection of the Site.
6. This Information Request is being sent so that U.S. EPA may identify potentially responsible parties (i.e., current or former owners, operators, generators, and/or transporters) associated with the Site that may perform the Remedial Investigation/Feasibility Study portion of the project.

ENCLOSURE 2

Questions

1. Have you or any other person working with you or on your behalf ever accepted waste materials or hazardous substances for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:
 - a) the persons from whom you or other such persons accepted waste materials, including hazardous substances for transport;
 - b) every date on which waste materials were accepted or transported;
 - c) for each transaction, the nature of the materials including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d) the owner of the materials so accepted or transported;
 - e) the quantity of the materials involved (weight or volume) in each transaction and the total quantity for all transactions;
 - f) all tests or analyses and analytical results concerning each material;
 - g) the precise location to which each material actually was transported;
 - h) the person(s) who selected the Site as the place to which hazardous substances were to be transported;
 - i) the amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
 - j) where the person identified in i., above intended to have such materials transported and all evidence of this intent;
 - k) whether the materials involved in each transaction were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal;

- l) what was done to the materials once they were brought to the Site;
- m) the final disposition of the materials once they were brought to the Site;
- n) the measures taken by you to determine the actual methods, means, and Site of treatment or disposal of the material involved in each transaction; and
- o) the type and number of containers in which the materials were contained when they were accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers.

Enclosure 3

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question, identify all persons and contributing sources of information.
4. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. §9604, authorizes the U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
5. In answering each question, identify all persons and contributing sources of information.
6. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.
7. For any document submitted in response to a question, indicate the number of the question to which it responds.
8. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
9. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under a penalty of law that this document and all Enclosures were prepared under my direction or supervision in accordance with a system designed to assure that

qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepared the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.

10. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
11. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 5.

Enclosure 4

DEFINITIONS

1. As used in this letter, words in the singular also include the neutral and words in the masculine gender also include the feminine and vice versa.
2. The term *person* as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. *The Site* referenced in these documents shall mean the [Site Name] located in [City and State].
4. The term *hazardous substance* shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term, *pollutant or contaminant*, shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The term *release* shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
7. The term *identify* means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term *identify* means, with respect to a corporation, partnership, businesses trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

9. The term *identify* means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
10. All terms not defined herein will have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R., Part 300 or 40 C.F.R., Part 260-280, in which case, the statutory or regulatory definitions will apply.

Enclosure 5

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq.* require that the U.S. EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 *et seq.* (September 1, 1976); 43 Federal Register 4000 *et seq.* (December 18, 1985).) If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as "confidential", you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential," and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether the U.S. EPA or other federal agency has made pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future;
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as "confidential," your comments will be available to the public without further notice to you.

ATTACHMENT 6

DESCRIPTION OF LEGAL AUTHORITY

The Federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq. (commonly referred to as CERCLA or Superfund) gives U.S. EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site, and, 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604 (e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. §1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. The U.S. EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

Supplemental Information for Small Businesses Subject to an U.S. EPA Enforcement Action

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Websites

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

⇒ www.epa.gov	<i>EPA's Home Page</i>
⇒ www.smallbiz-enviroweb.org	<i>EPA's Small Business Home Page</i>
⇒ www.smallbiz-enviroweb.org/state.html	<i>List of State Contacts</i>
⇒ www.epa.gov/ttn/sbap	<i>Small Business Assistance Programs</i>
⇒ www.epa.gov/oeca/polguid/index.html	<i>Enforcement Policy and Guidance</i>
⇒ www.epa.gov/oeca/smbusi.html	<i>Small Business Policy</i>
⇒ www.epa.gov/oeca/oc	<i>Compliance Assistance Home Page</i>
⇒ www.epa.gov/oeca/ccsmd/commpull.html	<i>Small Businesses and Commercial Services</i>
⇒ www.epa.gov/oeca/ccsmd/mun.html	<i>Small Communities Policy</i>

Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

⇒ Small Business Ombudsman.....	(800) 368-5888
⇒ RCRA/UST/CERCLA Hotline.....	(800) 424-9346
⇒ Toxics Substances and Asbestos Information.....	(202) 554-1404
⇒ Safe Drinking Water.....	(800) 426-4791
⇒ Stratospheric Ozone/CFC Information.....	(800) 296-1996
⇒ Clean Air Technical Center.....	(919) 541-0800
⇒ Wetlands Hotline.....	(800) 832-7828

Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

- ⇒ Metal Finishing (www.nmfrc.org)
- ⇒ Printing (1-888-USPNEAC or www.pneac.org)
- ⇒ Automotive (1-888-GRN-LINK or www.ccar-greenlink.org)

- ➡ Agriculture (1-888-663-2155 or www.epa.gov/oeca/ag)
- ➡ Printed Wiring Board Manufacturing (www.pwbr.org)
- ➡ The Chemical Industry (Contact: Emily Chow 202-564-7071)
- ➡ The Transportation Industry (<http://www.transource.org>)
- ➡ The Paints and Coatings Center (Contact: Scott Throwe 202-564-7013)
- ➡ Local Governments (Contact: John Dombrowski, 202-564-7036)

**State
Agencies**

Many state agencies have established compliance assistance programs that provide on- site as well as other types of assistance. Please contact your local state environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)-368-5888.

**Compliance
Incentive
Policies**

EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action such as this one that has already been initiated, but are noted for future reference. Contact Karin Leff (202-564-7068) for information on the Small Business Policy and Ken Harmon (202-564-7049) for information on the Small Communities Policy.

In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools. *However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to answer EPA's administrative complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.*

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual receipts) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247). *However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.*

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA or related provisions nor does it create any new rights or defenses under law.